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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/608,898	06/27/2003	William A. Groll	916-030481	7789
28289	7590 02/14/2005		EXAM	INER
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			ZIMMERMAN, JOHN J	
			ART UNIT	PAPER NUMBER
			1775	
			DATE MAILED: 02/14/2009	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/608,898	GROLL, WILLIAM A.	GROLL, WILLIAM A.	
Examiner	Art Unit		
John J. Zimmerman	1775		

Continuation Sheet (PTOL-303)	Application No.
-The MAILING DATE of this communication appears on the cover sheet wi	ith the correspondence address
THE REPLY FILED 12 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION	ON FOR ALLOWANCE.
 The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avo must timely file one of the following replies: (1) an amendment, affidavit, or other evid condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 3 Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within a) 	dence, which places the application in 37 CFR 41.31; or (3) a Request for Continued
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date no event, however, will the statutory period for reply expire later than SIX MONTHS from the Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHITWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	ne mailing date of the final rejection.
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 have been filed is the date for purposes of determining the period of extension and the corresponding under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reset forth in (b) above, if checked. Any reply received by the Office later than three months after the may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	amount of the fee. The appropriate extension fee eply originally set in the final Office action; or (2) a
2. The reply was filed after the date of filing a Notice of Appeal, but prior to the date of f was filed on A brief in compliance with 37 CFR 41.37 must be filed within two Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dism has been filed, any reply must be filed within the time period set forth in 37 CFR 41.3 AMENDMENTS	o months of the date of filing the Notice of nissal of the appeal. Since a Notice of Appea
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing (a) They raise new issues that would require further consideration and/or search (so the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment(s) filed after a final rejection, but prior to the date of filing the proposed amendment filed after a final rejection, but prior to the date of filing the	
(c) They are not deemed to place the application in better form for appeal by mate appeal; and/or	erially reducing or simplifying the issues for
(d) ☐ They present additional claims without canceling a corresponding number of fir NOTE: (See 37 CFR 1.116 and 41.33(a)).	nally rejected claims.
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of	Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s):	
6. Newly proposed or amended claim(s) would be allowable if submitted in a se	parate, timely filed amendment canceling the
non-allowable claim(s).	
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to:) U will be entered and an explanation of
Claim(s) objected to: Claim(s) rejected:	
Claim(s) withdrawn from consideration:	,
AFFIDAVIT OR OTHER EVIDENCE	
 The affidavit or other evidence filed after a final action, but before or on the date of file because applicant failed to provide a showing of good and sufficient reasons why the was not earlier presented. See 37 CFR 1.116(e). 	
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but priorentered because the affidavit or other evidence failed to overcome all rejections under showing a good and sufficient reasons why it is necessary and was not earlier preservable.	er appeal and/or appellant fails to provide a
10. The affidavit or other evidence is entered. An explanation of the status of the claims	after entry is below or attached.
REQUEST FOR RECONSIDERATION/OTHER	
11. The request for reconsideration has been considered but does NOT place the applicant's arguments and the Groll declaration submitted with applicant's response declaration does not present factual matter, but rather only presents speculation ab 3,340,597). The declaration is not convincing since the composite materials of Stei	e have been carefully considered. The Groll out the intentions of the Stein (U.S. Patent in's examples are merely examples and Stein
is not limited to only creating composites in the dimensions of his examples. One of that the composites of Stein could be created in any reasonable dimensions which a practical to the manufacture of Stein's disclosed end products (e.g. pans). The examples	would be practical to Stein's process and miner stresses that Stein's examples are
merely examples for making his composites and the dimensions of the examples ar as the only dimensions that can or should flow from Stein's disclosure. In any even pans are "round" are incorrect (e.g. drawn pans can be rectangular) and the conclu-	t, the declaration's conclusions that drawn
"unlikely" are not commensurate with known cookware (e.g. rectangular mini loaf pa The examiner further notes that other very small diameter pans that are commonly a	ans 3"x6" at www.williams-sonoma.com).

for melting butter. In any event, it should also be noted that arguments about pan size are not commensurate with the limitations of the pending claims. The Groll declaration further states that Stein's "idea of what stainless steel-bonded aluminum cookware should be" is "stainless steel on the cooking side of the vessel, while simultaneously allowing utilization of the heat transmission qualities of the aluminum on the heating or fore side of the pan". The examiner notes that while Stein notes advantages for this particular arrangement in cookware, Stein clearly does not intend that this is the only possible arrangement intended for his cookware. Example 3 clearly shows otherwise. In Example 3, Stein uses stainless steel as the exterior of the pan. Thus it would be understood by one of ordinary skill in the art that Stein also intends that his other disclosed embodiments (e.g. aluminum sandwiched between stainless steel and stainless steel sandwiched between aluminum - column 2,lines 45-50)

Continuation Sheet (PTOL-303)

Application No.

John J. Zimmerman

Primary Examiner

Art Unit: 1775

U.S. Patent and Trademark Office

PTOL-303 (Rev. 9-04)

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